

PUBLIC NOTICE: 04-22

NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT

AGENCY: ENVIRONMENTAL PROTECTION AGENCY (EPA)

ACTION: NOTICE OF PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT AND OPPORTUNITY TO COMMENT

SUMMARY: EPA IS PROVIDING NOTICE OF A PROPOSED ADMINISTRATIVE PENALTY ASSESSMENT FOR ALLEGED VIOLATIONS OF THE CLEAN WATER ACT. EPA IS ALSO PROVIDING NOTICE OF OPPORTUNITY TO COMMENT ON THE PROPOSED PENALTY ASSESSMENT.

UNDER 33 U.S.C. §1319(G), EPA IS AUTHORIZED TO ISSUE ORDERS ASSESSING CIVIL PENALTIES FOR VARIOUS VIOLATIONS OF THE ACT. EPA MAY ISSUE SUCH ORDERS AFTER THE COMMENCEMENT OF A CLASS I OR CLASS II PENALTY PROCEEDING. EPA

PROVIDES PUBLIC NOTICE OF THE PROPOSED ASSESSMENT PURSUANT TO 33 U.S.C. §1319(G)(4)(A).

CLASS II PROCEEDINGS ARE CONDUCTED UNDER EPA'S "CONSOLIDATED RULES OF PRACTICE GOVERNING THE ADMINISTRATIVE ASSESSMENT OF CIVIL PENALTIES, ISSUANCE OF COMPLIANCE OR CORRECTIVE ACTION ORDERS AND THE REVOCATION, TERMINATION OR SUSPENSION OF PERMITS" (CROP"), 40 CODE OF FEDERAL REGULATIONS (C.F.R.) PART 22. THE PROCEDURES THROUGH WHICH THE PUBLIC MAY SUBMIT WRITTEN COMMENT ON A PROPOSED CLASS I COMPLAINT OR PARTICIPATE IN A CLASS II PROCEEDING, AND THE PROCEDURES BY WHICH A RESPONDENT MAY REQUEST A HEARING, ARE SET FORTH IN THE CONSOLIDATED RULES.

SECTION 22.13(b) OF THE CROP SETS FORTH PROCEDURES FOR SIMULTANEOUS COMMENCEMENT AND CONCLUSION OF AN ADMINISTRATIVE CIVIL PENALTY ASSESSMENT PROCEEDING WHERE THE PARTIES AGREE TO SETTLEMENT OF ONE OR MORE CAUSES OF ACTION. THIS IS ACCOMPLISHED THROUGH ISSUANCE OF A CONSENT AGREEMENT AND FINAL ORDER PURSUANT TO SECTION 22.18(b)(2) AND 22.18(b)(3) OF THE CROP. THE SUBJECT PENALTY ASSESSMENT NOTICED HEREIN FOLLOWS THE PROCEDURES SET FORTH IN SECTION 22.13(b). THE DEADLINE FOR

SUBMITTING PUBLIC COMMENT IS THIRTY (30) DAYS AFTER ISSUANCE OF PUBLIC NOTICE.

ON THE DATE IDENTIFIED BELOW, EPA COMMENCED THE FOLLOWING CLASS I PROCEEDING FOR THE ASSESSMENT OF PENALTIES:

IN THE MATTER OF WATSON LABORATORIES, INC., THE OPERATOR OF THE FACILITY LOCATED AT 1033 STONELEIGH AVENUE, CARMEL, NEW YORK, 10512, BASED ON ALLEGED VIOLATIONS OF THE PRETREATMENT STANDARDS, DOCKET NO. CWA-02-2003-3334.

THE VIOLATIONS WERE PREVIOUSLY ALLEGED IN DOCKET NO. CWA-02-2003-3334 AN ACTION NAMING WATSON LABORATORIES, INC'S. PARENT CORPORATION, WATSON PHARMACEUTICALS, INC. DOCKET NO. CWA-02-2003-3301. THE WATSON PHARMACEUTICALS, INC. PROPOSED PENALTY ASSESSMENT HAS BEEN WITHDRAWN DUE TO INFORMATION THAT INDICATED THAT WATSON LABORATORIES, INC. IS THE CORPORATE ENTITY OPERATING THE FACILITY IN QUESTION.

THE CONSENT AGREEMENT WAS FILED ON WITH REGIONAL HEARING CLERK KAREN MAPLES, U.S. EPA, REGION II, 290 BROADWAY, 16 FLOOR, NEW YORK, NEW YORK 10007 (212) 637-3110; PROPOSED FINAL

PENALTY: \$20,000, FOR FAILURE TO COMPLY WITH MONITORING AND REPORTING REQUIREMENTS AS REQUIRED BY THE GENERAL AND CATEGORICAL PRETREATMENT STANDARDS.

FOR FURTHER INFORMATION: PERSONS WISHING TO RECEIVE A COPY OF EPA'S CONSOLIDATED RULES, REVIEW THE CONSENT AGREEMENT OR OTHER DOCUMENTS FILED IN THESE PROCEEDINGS, COMMENT UPON THE PROPOSED ASSESSMENT, OR OTHERWISE PARTICIPATE IN ANY OF THE PROCEEDINGS, SHOULD CONTACT THE REGIONAL HEARING CLERK IDENTIFIED ABOVE. UNLESS OTHERWISE NOTED, THE ADMINISTRATIVE RECORD FOR THESE PROCEEDINGS ARE LOCATED IN THE EPA REGIONAL OFFICE IDENTIFIED ABOVE, AND THE FILES WILL BE OPEN FOR PUBLIC INSPECTION DURING NORMAL BUSINESS HOURS. ALL INFORMATION SUBMITTED BY THE RESPONDENT IS AVAILABLE AS PART OF THE ADMINISTRATIVE RECORD, SUBJECT TO PROVISIONS OF LAW RESTRICTING PUBLIC DISCLOSURE OF CONFIDENTIAL INFORMATION.

IN ORDER TO PROVIDE OPPORTUNITY FOR PUBLIC COMMENT, EPA WILL ISSUE NO FINAL ORDER ASSESSING A PENALTY IN THESE PROCEEDINGS PRIOR TO THIRTY (30) DAYS FROM THE DATE SPECIFIED BELOW.

DATE:

DORE LAPOSTA, DIRECTOR

DIVISION OF ENFORCEMENT AND

COMPLIANCE ASSURANCE